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## A BILL FOR AN ORDINANCE

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RELATING TO PUBLICATION DISPENSING RACKS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to prohibit certain uses of publication dispensing racks.

SECTION 2. Section 29-11.11, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

**"Sec. 29-11.11 Prohibitions.**

- (a) The following prohibitions shall apply to a publication dispensing device:
  - (1) There shall be no publication dispensing device allowed and no person may install or direct another person to install any publication dispensing device on any sidewalk within the Waikiki special district.
  - (2) Any publication dispensing device installed in violation of this article shall be subject to removal by, and forfeiture to, the director if not removed within five days of demand for removal thereof by the director.
  - (3) The director or a person or agency designated by the director shall be responsible for the removal and forfeiture of the publication dispensing device.
- (b) The following prohibitions shall apply to publication dispensing rack spaces, publication dispensing rack inserts and publication dispensing rack enclosures:
  - (1) No person may move, remove, destroy, deface or detach any publication dispensing rack enclosure unless directed to do so by the director.



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- (2) No advertising, signage or lettering of any kind shall appear on the exterior of, or be otherwise visible from the exterior of, any publication dispensing rack insert, any publication dispensing rack enclosure, or any space within a publication dispensing rack enclosure. For the purposes of this section, the display of a copy of the publication being dispensed, the designation assigned to a space by the director, and/or instructions on the dispensing of the publication from the publication dispensing rack insert shall not be deemed advertising, signage or lettering, provided that the dispensing instructions, if any, shall not protrude beyond two rectangles with dimensions of 3 1/2 inches by 4 inches.
  - (3) No publication dispensing rack insert may be inserted within a space in a publication dispensing rack enclosure, except pursuant to a current and valid permit issued under this article. Any publication dispensing rack insert so inserted without a current and valid permit shall be subject to removal by and forfeiture to the director or a person or agency designated by the director.
  - (4) No person may place any trash, rubbish or, without the approval of the director, any other material, other than a permitted publication dispensing rack insert and copies of the permitted publication, in a space in a publication dispensing rack enclosure.
  - (5) No person may move, remove, deface or detach any publication dispensing rack insert that has been inserted into a publication dispensing rack enclosure under a current and valid permit without authorization of the permittee or the city.
  - (6) No person may climb, sit, stand, or lay on top of, inside of, or under any publication dispensing rack enclosure, any space within a publication dispensing rack enclosure, or any publication dispensing rack insert without authorization of the city.
- (c) The director shall adopt rules, pursuant to Section 29-11.15, to establish procedures for giving notice of violations, and for the removal and forfeiture of publication dispensing devices in accordance with subsection (a), or of publication dispensing rack inserts in accordance with subsection (b)."

SECTION 3. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 60 (2013)


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SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
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DATE OF INTRODUCTION:

**SEP 05 2013**

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Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu